

MEMORANDUM



STATE OF NEW YORK  
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October 31, 2007

**BY HAND DELIVERY**

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1310  
New York, New York 10007-1312

Re: Samuel Jenkins v. Supt. Robert Ercole  
07 Civ. 5682 (LAK)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. This Court initially directed respondent to answer the petition for a writ of habeas by September 4, 2007, but granted respondent an initial extension of time until October 25, 2007 to obtain the state court records and respond to the petition. (Our office received the Rule 4 Order from the Clerk's office on August 23, 2007). Then, on October 24, 2007, you granted respondent's second request for an extension of time for six days, from October 25, 2007 to October 31, 2007.

In making that request, I should have asked for an additional two days to respond - I do so now, and ask this Court to allow respondent a final, two-day extension of time until November 2, 2007. Our brief has been drafted and is in the editing process.

I apologize for the lateness of this request. I have not contacted petitioner concerning this request as he is proceeding *pro se* and is incarcerated. Thank you for your consideration.

SO ORDERED

LEWIS A. KAPLAN, U.S.D.J.

Respectfully submitted,

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